

UNITED STATES DISTRICT COURT

for the
District of New Mexico



In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Donny CRAPSE,
YEAR OF BIRTH: 1969

Case No. 24 MR 334

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, incorporated by reference

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, incorporated by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

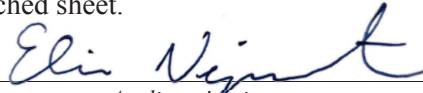
18 U.S.C. § 922(g)(3)

Unlawful possession of a firearm by a user of or addicted to any controlled substance.

The application is based on these facts:
See attached affidavit

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

Elia Viramontes, Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
_____ telephonically sworn and electronically signed (specify reliable electronic means).

Date: February 21, 2024


Judge's signature

City and state: Albuquerque, NM

The Honorable Laura Fashing, U.S. Magistrate Judge
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF THE SEARCH OF
DONNY CRAPSE, YEAR OF BIRTH: 1969

Case No. _____

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Elia Viramontes, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant that would authorize the collection of two vials of blood from Donny CRAPSE (hereinafter CRAPSE), year of birth 1969. Based on my training, experience, and the facts set forth in this affidavit, I believe there is probable cause that a violation of United States Code Title 18 § 922(g)(3), prohibited person in possession of a firearm, was committed by CRAPSE.

2. I am a Special Agent with the Federal Bureau of Investigation (FBI) and am recognized as a “federal law enforcement officer” within the meaning of Rule 41 of the Federal Rules of Criminal Procedure.

3. I am a Special Agent with the FBI and have been so employed since April 2021. I have been a sworn law enforcement officer for approximately nine years, serving as a police officer and special agent. I am currently assigned to the FBI Violent Gang Task Force (VGTF) in Albuquerque, New Mexico, where I primarily investigate street and motorcycle gangs, as well as violent repeat offenders involved in federal drug and firearm related crimes such as racketeering, drug trafficking and firearms violations. Prior to my assignment to VGTF, I was assigned to the FBI Violent Crime Task Force (VCTF), where I primarily investigated violent offenders, bank robberies, kidnappings, and FBI fugitives. I have gained experience through

my training at the FBI Academy and my work with experienced agents on the VGTF and VCTF. I have investigated persons for drug trafficking, firearm offenses, bank robberies, fugitives, and have drafted and executed numerous search warrants and criminal complaints.

4. Over the course of my law enforcement career, I have arrested hundreds of individuals for crimes ranging from homicides, narcotics violations, robbery, assault and battery, and other crimes. My investigative experience includes conducting surveillance; interviewing subjects, targets, and witnesses; writing affidavits for and executing search and arrest warrants; supervising cooperating sources; and issuing subpoenas.

5. The facts in this affidavit come from my training and experience, from records, documents, and other evidence obtained during this investigation, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the request warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

6. The United States, including FBI, is conducting a criminal investigation of the Bandidos Motorcycle Club ("BMC") member CRAPSE regarding possible violation of 18 U.S.C. § 922(g)(3).

7. On February 20, 2024, Federal Magistrate Judge Laura Fashing issued a search warrant for evidence, contraband, instrumentalities and/or fruits of violation of the statue listed above, at 1523 Tierra Verde Loop NW, Los Lunas, New Mexico (hereinafter the Subject Premises). See 24-MR-332. The entirety of the affidavit in support of that search warrant is incorporated herein by reference.

8. On February 21, 2024, the FBI Special Weapons and Tactics (SWAT) team executed the above referenced search warrant on the Subject Premises.

9. During the execution of the search warrant, the FBI encountered two subjects within the premises, identified as CRAPSE and his wife, Jessica Crapse. Both were removed from the Subject Premises to facilitate the search.

10. During their interaction with CRAPSE, FBI agents observed CRAPSE appeared agitated and exited. Based on my training and experience, and information relayed to me by agents and other law enforcement officers, these are common behaviors indicative of the use of stimulants, such as cocaine.

11. During the search of the Subject Premises, FBI agents discovered a firearm, identified as a Glock 43X pistol, 9mm, S/N: BUZU000 in the front bedroom of the Subject Premises. The gun was located on the floor near the door of the bedroom. In the front bedroom, agents also located a rolled-up bill of currency with suspected cocaine residue. The bill was located on a top of the TV stand. The front bedroom is used as a music room and is very small in size.

12. Additionally, during the search of the Subject Premises, FBI agents located an empty container with suspected cocaine residue in the primary bedroom. The container was located on top of the nightstand next to CRAPSE's phone. On the same nightstand there was a bell buckle with a "1%" on it, and a wallet containing CRAPSE's driver license.

13. The FBI spoke with CRAPSE about his drug use and the firearm. CRAPSE stated the firearm belong to him. CRAPSE admitted that he is a regular and ongoing drug user, but denied using drugs today.

14. Based on my training and experience, and information relayed to me by agents and other law enforcement officers involved in gang investigations, the above referenced firearms appear to be operational and would have travelled in interstate commerce prior to their discovery by law enforcement.

15. The aforementioned events took place in Valencia County, New Mexico, within the District of New Mexico.

16. Based on my training and experience, and information relayed to me by agents and other law enforcement officers involved in the gang investigation, I understand that after a subject consumes cocaine the substance will be detectable in the subject's blood for a period of time. As the subject consumes cocaine the level of cocaine will rise as it is absorbed into the subject's blood. The rate at which the level rises is called the absorption rate. Likewise, once cocaine is in a subject's blood, the subject's system will metabolize it out of the blood and the level will drop if no more cocaine is consumed. The rate at which the level lowers is called the dissipation rate. Since the level of cocaine will dissipate, a blood sample should be obtained from a subject as soon as possible after a suspected possession of a firearm by a prohibited person to accurately establish the subject's cocaine level at the time of possession of the firearm.

17. Based on my training and experience, I know that a licensed phlebotomist has the capacity to draw blood samples from subjects and to preserve those samples for future toxicological testing.

18. The medically approved procedure used by licensed phlebotomists to draw blood involves the insertion of a needle into a blood vessel and the removal of a quantity of blood. This procedure is very commonly used by medical personnel. It is not particularly painful, nor

does it involved any substantial risk or danger to the subject form whom the sample is being taken and may be conducted while a subject is restrained.

19. Toxicologist can analyze blood samples for presence of cocaine. Analysis of a blood sample by a toxicologist can provide information about the level of cocaine in a subject's blood.

20. Information about the level of cocaine in a subject's blood is directly relevant to whether he/she is "an unlawful user of or addicted to any controlled substance" within the meaning of 18 U.S.C. § 922(g)(3).

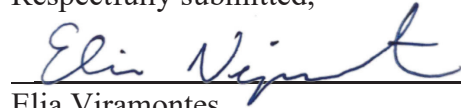
AUTHORIZATION REQUEST

21. Based on the forgoing, I request that the Court issue the proposed search warrant, pursuant to Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 3117, that authorizes members of the FBI or their authorized representatives, including but not limited to other law enforcement agents assisting in the above-described investigation, to transport CRAPSE to a licensed phlebotomist. The transport of CRAPSE to the licensed phlebotomist may several hours, given the location of the premises. The FBI or other authorized representative will ensure that the licensed phlebotomist draws two vials of blood from CRAPSE within the District of New Mexico, within four hours from the issuance of the proposed warrant.

22. Since blood draws utilize sharp instruments to extract blood, the subject may be restrained during the drawing of blood by the phlebotomist to ensure the subject's safety and the safety of the phlebotomist.

23. This affidavit has been reviewed and approved by Assistant United States Attorney Joseph Spindle.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Elia Viramontes", written over a horizontal line.

Elia Viramontes
Special Agent
Federal Bureau of Investigation

Subscribed and sworn telephonically and signed electronically on February 21, 2024.

A handwritten signature in black ink, appearing to read "Laura Fashing", written over a horizontal line.

Honorable Laura Fashing
United States Magistrate Judge

ATTACHMENT A
Person to be Searched

Person to be searched: DONNY CRAPSE was born in 1969. He currently resides or did reside at 1523 Tierra Verde Loop NW, Los Lunas, New Mexico. A color photograph of the subject follows:



ATTACHMENT B
Items to be seized

Items to be seized: The following material, which constitutes evidence of the commission of a criminal offense, namely, violations of 18 U.S.C. § 922(g)(3), that being prohibited person in possession of a firearm:

1. Members of the FBI or their authorized representatives will, without undue delay, transport Donny CRAPSE to a licensed phlebotomist, which may take no more than four hours;
2. The licensed phlebotomist will draw two vials of blood from CRAPSE. CRAPSE may be restrained during the procedure for his own safety, and the safety of the phlebotomist; and
3. All persons involved in the drawing of the blood must wear gloves. The phlebotomist must sanitize CRAPSE's skin before any draw, and cover the site of the draw afterwards.